

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: WEBLOYALTY.COM, INC.
MARKETING AND SALES
PRACTICES LITIGATION

MDL No. 07-1820

Lead Case: 06-11620-JLT

**[PROPOSED] SCHEDULING ORDER [OF
DEFENDANTS]**

Special Master Gael Mahony

Having considered the parties' Joint Report and the positions expressed by counsel, it is hereby ORDERED as follows:

I. Rule 26(a) Initial Disclosures

A. Plaintiffs and Webloyalty shall serve on opposing counsel all information and documents required pursuant to Rule 26(a)(1) no later than two weeks after entry of this Order. The remaining defendants shall produce all such information no later than four weeks after entry of this Order.

II. Class Certification and Renewed Summary Judgment Schedule

The scope of discovery during this phase shall be limited to appropriate discovery related to Class Certification and Renewed Summary Judgment.

A. All written discovery shall be completed by April 11, 2008.
B. All lay witness depositions shall be completed by July 18, 2008.
C. Plaintiffs shall file their motion(s) for class certification on or before August 29, 2008. To the extent Plaintiffs intend to rely upon an expert(s) in connection with their motions for class certification, expert report(s) and related disclosures shall be included with Plaintiffs' motion(s). Plaintiffs shall make such expert(s), if any, available for deposition no later than fourteen (14) days before the deadline to respond to the motion(s).

D. Defendants shall file any responses in opposition to class certification no later than forty-five (45) days after the filing of Plaintiffs' motion(s). To the extent Defendants intend to rely upon the testimony of any expert(s), the expert report(s) and related disclosures shall be served with the opposition. Defendants shall make such expert(s) available for deposition no later than ten (10) days before the deadline to file the reply to the opposition.

E. Any reply in support of a motion regarding class certification shall be filed no later than twenty-one (21) days after the filing of any opposition regarding class certification.

F. Defendants' Motion for Summary Judgment shall be filed no later than September 15, 2008.

G. Plaintiffs' Opposition shall be filed by October 15, 2008.

H. Defendants' Reply shall be filed by November 7, 2008.

III. Any Remaining Discovery (including Expert Discovery)

A. Written discovery on remaining issues shall be completed no later than 90 days of the ruling on class certification or summary judgment, whichever is later.

B. Lay witness depositions on remaining issues shall be completed no later than 90 days thereafter.

C. Plaintiffs' expert reports on remaining issues shall be served no later than 30 days thereafter.

D. Defendants' expert reports on remaining issues shall be served no later than 30 days thereafter.

E. Expert depositions on remaining issues shall be completed no later than 60 days thereafter.

F. Dispositive motions, if any, shall be filed no later than 30 days thereafter.

G. Oppositions shall be filed no later than 30 days thereafter.

H. Replies shall be filed no later 15 days thereafter.

IV. Miscellaneous Issues

A. Amendments to the Pleadings. Any amendments to the pleadings shall be filed no later than December 31, 2007.

B. Joinder of Parties. Any motion to join additional parties shall be filed no later than December 31, 2007.

V. Pretrial Conference and Trial

A final pretrial conference and trial date shall be determined by the Court.

IT IS SO ORDERED.

Dated: _____

Special Master Gael Mahony